

REMARKS

The Office Action mailed on April 6, 2005 has been carefully considered and the Examiner's remarks are appreciated. Claims 1-18 were originally presented. Claims 2-9, and 11-17 have been canceled. Claims 1, 10, and 18 have been amended, and claims 19 and 20 are new. Therefore claims 1, 10, and 18-20 are presented for examination, with support for the amendments found in the Specification, Claims, and Drawings. In response to the Office Action, Applicants respectfully request reconsideration of the rejected claims in view of the above amendments and the following remarks.

Discussion of Objections to the Drawings

The Examiner objected to the drawings, and required corrected drawing sheets in compliance with 37 CFR 1.121(d). Applicants have accordingly provided four replacement drawing sheets to replace the six drawings sheets originally filed. It is noted that while the total number of sheets have been reduced from six to four, the total number of figures remains the same.

Allowable Subject Matter

The Examiner stated that claims 5 and 15 are objected to as being dependent upon a rejected base claims but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have adopted the Examiner's suggestion with new claims 19 and 20, corresponding in scope to claims 5 and 15, respectively. Claims 5 and 15 are now canceled.

Discussion of Rejections under 35 USC §102(b)

In the Office Action, the Examiner rejected claims 1, 10 and 18 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 45,280,990 to Rinard, or in the alternative, by U.S. Pat. No. 4,418,853 to Shaffer. In support of his rejections, the Examiner stated that Rinard discloses a baffle assembly including side skirts 47 on both sides of the trailer body in front of rear wheels 33 thereof. And with regard to Shaffer, the Examiner stated that the baffle assembly of Shaffer includes a wedge shaped skirt made up of two panels 64, referring to Figure 4.

Applicants have amended independent claims 1 and 10 to clarify the distinctions of the present invention over the prior art. In particular, claim 1 has been amended as follows:

"a baffle assembly including a wedge-shaped skirt mountable to the wheeled vehicle underneath the vehicle body and upstream in front of the wheel assembly, said wedge-shaped skirt comprising two panels connected to each other at leading ends thereof, and diverging away from each other to trailing ends located adjacent the wheel assembly so as to deflect airflow away from the wheel assembly and reduce the incident pressure thereon."

Claim 10 has been similarly amended. In either case, the baffle assembly now includes a wedge-shaped skirt which has two panels "...diverging away from each other to trailing ends located adjacent the wheel assembly" (emphasis added). The placement/location of the trailing ends adjacent the wheel assembly and remotely spaced from the leading ends provides the "swept back" configuration of the wedge-

shaped skirt which enables a gradual, and more aerodynamic deflection. In contrast, the two panels 64 of Shaffer are not located adjacent or anywhere near a downstream wheel assembly. Instead the trailing ends of the panels 64 are located at a distal forward location of the carrier 10 of Shaffer near the leading ends to produce a shallow or blunted "V-shape" configuration. Thus, Applicants respectfully submit that that the 102 based rejections for amended claims 1 and 10 are inappropriate in view of MPEP §2131 as not describing each and every element as set forth in the claims. Additionally, Applicants submit that claim 18 is also allowable as being dependent on now allowable amended claim 10.

Summary

Having amended the claims and/or overcome Examiner's rejections as discussed above, Applicant respectfully submits that claims 1, 10, and 18-20 are in condition for allowance. Applicants respectfully request allowance of claims 1, 10, and 18-20.

In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, he is respectfully requested to initiate the same with the undersigned at (925) 422-7274.

Respectfully submitted,

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